

Receipt #

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



TRANSMITTAL
FORM

(to be used for all correspondence after filing)

Total number of Pages in this submission 13

Application Number	10/017,327
Filing Date	December 6, 2001
First Named Inventor	Charles A. NICOLETTE
Group Art Unit	1645
Examiner Name	Unassigned
Attorney Docket No.	GZ 2101.20

Commissioner for Patents
Washington, D.C. 20231

COPY OF PAPER
ORIGINALLY FILED

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> FEE TRANSMITTAL FORM <input type="checkbox"/> FEE ATTACHED <input type="checkbox"/> AMENDMENT/RESPONSE <input type="checkbox"/> AFTER FINAL <input type="checkbox"/> AFFIDAVITS' DECLARATION(S) <input type="checkbox"/> EXTENSION OF TIME <input type="checkbox"/> EXPRESS ABANDONMENT REQUEST <input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449 <input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S) <input checked="" type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION <input type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533 <input type="checkbox"/> ISSUE FEE TRANSMITTAL <input type="checkbox"/>	<input type="checkbox"/> ASSIGNMENT PAPERS (FOR AN APPLICATION) <input type="checkbox"/> DRAWING(S) <input type="checkbox"/> LICENSING-RELATED PAPERS <input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION) <input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION <input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS <input type="checkbox"/> TERMINAL DISCLAIMER <input type="checkbox"/> SMALL ENTITY STATEMENT <input type="checkbox"/> REQUEST FOR REFUND	<input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP <input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES <input type="checkbox"/> APPEAL COMMUNICATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF) <input type="checkbox"/> PROPRIETARY INFORMATION <input type="checkbox"/> STATUS LETTER <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW): COPY OF A NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, CERTIFICATE UNDER 37 C.F.R. § 3.73 (b) W/COPY OF SOLE ASSIGNMENT, UTILITY DECLARATION, PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY, PRELIMINARY AMENDMENT, CORRECTED FILING RECEIPT AND RETURN POSTCARD
---	---	---

REMARKS:

MCCUTCHEN, DOYLE, BROWN & ENERSEN LLP
THREE EMBARCADERO CENTER, SUITE 1800
SAN FRANCISCO, CA 94111
TELEPHONE: (650) 849-4050
FACSIMILE: (650) 849-4800

DATE: APRIL 16, 2002

BY:

ANTOINETTE F. KONSKI (REG. NO. 34,202)

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

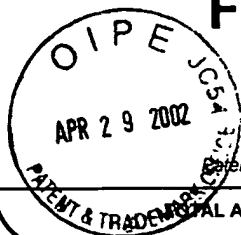
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: April 16, 2002.

By:

Peggy Nichols

Name of person signing: Peggy Nichols

FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

Complete if Known

Application Number	10/017,327
Filing Date	December 6, 2001
First Named Inventor	Charles A. NICOLETTE
Examiner Name	Unassigned
Group Art Unit	1645
Attorney Docket No.	GZ 2101.20

**COPY OF PAPERS
ORIGINALLY FILED**

TOTAL AMOUNT OF PAYMENT

(\$)**130.00**

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-1189

Deposit
Account
Name

McCutchen Doyle Brown & Enersen LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	20** =	x	\$
Multiple Dependent	3** =	x	\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)**130.00**

SUBMITTED BY

Name (Print/Type)

Antoinette F. Koski

Registration No.
(Attorney/Agent)

34,202

Complete (if applicable)

Telephone

(650) 849-4950

Signature

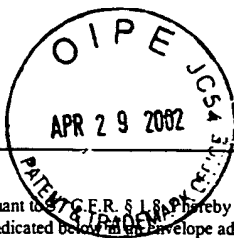
Antoinette F. Koski

Date

April 16, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



Docket No. GZ 2101.20

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[✓] Pursuant to 37 C.F.R. § 1.8(a), I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to Box: Missing Parts, Commissioner for Patents, Washington D.C. 20231.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: April 16, 2002 Name of Person Certifying: Peggy Nichols
Printed Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY OF PAPERS
ORIGINALLY FILED**

Applicant: Charles A. Nicolette

Filing Date: December 6, 2001

Examiner: Unassigned

Serial No.: 10/017,327

Group Art Unit: 1645

Title: COMPOUNDS FOR THERAPY AND
DIAGNOSIS AND METHODS FOR USING SAME

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Submission of Missing Parts of Application Under 37 C.F.R. 1.53

Sir:

In response to the Notice of Missing Parts of Application mailed on March 15, 2002, enclosed are the following items for filing in the above-referenced U.S. Patent Application:

- ☒ Declaration and Power of Attorney [4] page(s)
Payment for surcharge for late filing ☐ \$65.00 *small entity* ☒ \$130.00 *large entity*
- ☐ A Petition for Extension of Time. (- months), [2] page(s) Fee \$
- ☐ Applicant(s) claim Small Entity Status under 37 CFR § 1.27.
- ☒ Copy of Notice of Missing Parts of Application dated March 15, 2002.
- ☐ Request for Refund under 37 CFR 1.28(a) for the overpayment of the filing fee and surcharge.
- ☒ Return Postcard.
- ☒ Other: Certificate Under 37 C.F.R. § 3.73(b) w/ copy of sole assignment; Preliminary Amendment (3 pages); Filing Receipt w/ corrections (2 pages).

TOTAL FEES: \$ 130.00

- ☐ Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.
- ☐ Check in the amount of \$_____, Check No. _____ to cover the Total Fees due is enclosed.
- ☒ Please charge the above fee(s) to Deposit Account No. 50-1189, Docket No. 19442-7247, in the amount of \$130.00 to cover the above fees. *A duplicate copy of this sheet is attached.*
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees due or credit any overpayment to Deposit Account No. 50-1189, Docket No. 19442-7247. *A duplicate copy of this sheet is enclosed.*

Having now complied with all of the requirements of 37 C.F.R. 1.53, applicant respectfully requests that this application be placed upon the files for examination.

Date:

April 16, 2002

Respectfully submitted,

By:

Antoinette F. Konski

Antoinette F. Konski

Registration No. 34,202

McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4950
Telefax: (650) 849-4800



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/017,327	12/06/2001	Charles A. Nicolette	GZ 2101.20

CONFIRMATION NO. 8127

FORMALITIES LETTER



OC000000007644920

McCutchen Doyle Brown & Enersen LLP
Suite 1800
Three Embarcadero Center
San Francisco, CA 94111-4067

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 03/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/01/2002 BNGUYEN1 00000062 501189 10017327

01 FC:105 130.00 CH



COPY PAPERS
ORIGINALLY FILED

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/017,327	12/06/2001	1645	902	GZ 2101.20		29	3

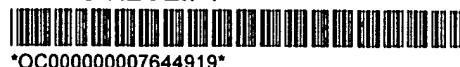
CONFIRMATION NO. 8127

McCutchen Doyle Brown & Enersen LLP
Suite 1800
Three Embarcadero Center
San Francisco, CA 94111-4067

RECEIVED

FILING RECEIPT

MAR 22 2002



OC000000007644919

MDB&E

Date Mailed: 03/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Charles A. Nicolette, Framingham, MA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/870,216 05/30/2001 \\
WHICH CLAIMS BENEFIT OF 60/257,008 12/20/2000
AND CLAIMS BENEFIT OF 60/226,258 08/17/2000
AND CLAIMS BENEFIT OF 60/209,391 05/31/2000 \\
(*) Data inconsistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted 03/14/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Compounds for therapy and diagnosis and methods for using same

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).